

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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MARK T. DUBLINO,

Plaintiff,

v.

JAMES THOMAS, et al.,

Defendants.

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DECISION & ORDER

18-CV-6010L

On January 4, 2018, *pro se* plaintiff Mark T. Dublino (“plaintiff”) commenced this action against the defendants pursuant to 42 U.S.C. § 1983 alleging claims for excessive force and failure to protect in violation of the Eighth Amendment. (Docket # 12). Currently pending before this Court is plaintiff’s third motion seeking appointment of counsel. (Docket # 30). On October 26, 2018, this Court issued a Decision & Order denying plaintiff’s previous requests for appointment of counsel. (Docket ## 24, 25, 29). Plaintiff’s current motion does not present any new information to alter this Court’s previous determination. Accordingly, for the reasons previously stated in my October 26, 2018 Decision & Order (Docket # 29), plaintiff’s request for the appointment of counsel (**Docket # 30**) is **DENIED without prejudice** at this time. It is the plaintiff’s responsibility to retain an attorney or press forward with this lawsuit *pro se*. 28 U.S.C. § 1654.

**IT IS SO ORDERED.**

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*s/Marian W. Payson*  
MARIAN W. PAYSON  
United States Magistrate Judge

Dated: Rochester, New York  
November 5, 2018